

Page 002 TO-US DISTRICT COURT, N

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District Court

MAY 16 2006

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For The Northern Mariana Islands
By _____
(Deputy Clerk)

Plaintiff, Pro Se

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

ROBERT D. BRADSHAW

) Case No. CV 05-0027

Plaintiff

v

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS (hereafter referred to
as the CNMI); et. al.

Defendants

) **PLAINTIFF'S REPLY MEMORANDUM**
) **OPPOSING DEFENDANT CLAYTON'S**
) **OPPOSITION TO PLAINTIFF'S**
) **DEFAULT MOTION**
)
) Hearing: Jun 8, 2006
) Time: 9:00 AM,
) Judge Alex R. Munson

1. Comes now plaintiff to oppose defendant CLAYTON's motion to deny entry of default. This motion at this time is moot as Plaintiff on or about May 9, 2006 filed a motion to deny Mr Clayton's Motion to quash with a another motion to withdraw/strike the default motion if the court finds that service on Mr Clayton was made.

2. Plaintiff's Motion filed about May 9, 2006 outlines the several reasons on why Mr Clayton's motion to quash should be denied. Those reasons are applicable here.

3. On Mr Clayton's personal efforts to deny this Court personal jurisdiction over him because he does not now have a CNMI residence, property ownership or has not visited since 2003 (page 6 of his motion), it must be noted that the long arm laws in the CNMI are sufficient for this court to exercise personal jurisdiction over Mr Clayton, though he is now in China. 7 CMC 1101-1104 is sufficient. As Mr Clayton notes, he was in residence in the CNMI in 2003. Certainly in 2005, the CNMI Attorney General represented him in the Idaho court action 05-0084. The evidence is that from 2003 to date, Mr Clayton has had contact with both the CNMI AG and Personnel Office.

4. Defendant Clayton complains that he was not given courtesy copies of the proceedings against him (page 7). The truth is that plaintiff supplied copies of all applicable documents in this case to the CNMI AG as the certificates of service demonstrate. Too, the Court likely provided a copy of its order on Jan 31, 2006 to the CNMI AG, the attorney for Mr Clayton. While Mr Clayton may not have received these documents, his attorney did.

5. On one more issue of relevance, the local rules of the court stress professional conduct by the attorneys in litigation. Lines 10 11, page 7, of Mr Clayton's motion has a caustic, slanderous and personal attack on plaintiff by saying that "The timing of service supports the conclusion that Plaintiff intended to play fast and loose with the rule" in terms of how service on Mr Clayton was handled vis-à-vis the filing of the Second Amendment made pursuant to court order. This remarks is absurd and really not worthy of any mention. But this is the AG counsel's second attempt to personally insult and attack plaintiff. The first time this happened was on Feb 9, 2009 at the Court's oral hearing on this case. At that time, plaintiff ignored the comment as unworthy of an objection. As a minimum, counsel's efforts to

engage in a personal attack upon Plaintiff is unsubstantiated and uncalled for in terms of professional conduct.

6. In conclusion, plaintiff requests the court to grant plaintiff's Motion of about May 9, 2006 to deny Mr Clayton's motion to quash and to further grant Plaintiff's motion then to withdraw/strike his default motion of Apr 25, 2006. A proposed order is attached.


I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief. Dated this 16th day of May 2006 at Calder, Idaho.


Robert D. Bradshaw, Plaintiff, Pro Se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of May 2006, I caused to be served a true copy of the foregoing document by US Mail Postage Paid to each of the following:

Jay H. Sorensen, c/o Shanghai, PO Box 9022, Warren, MI 48090-9022
Kristin St Peter, Asst Attorney General, Caller Box 10007, Capitol Hill, Saipan, MP 96950
Patrick Civillo, Civile & Tang, PLLC, PMB 86, PO Box 10003, Saipan, MP 96950
Mark B. Hanson, PMB 738, PO Box 10,000, Saipan, MP 96950


Robert D. Bradshaw, Plaintiff, Pro Se

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

ROBERT D. BRADSHAW

) Civil Action No. 05-0027

Plaintiff

v.

**COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS (hereafter referred to
as the CNMI):**

Defendants

) **(PROPOSED) ORDER**
)
)
)

Defendant Andrew Clayton's Motion Opposing the entry of Default Against him is denied.

IT IS SO ORDERED.

DATED this _____ day of _____ 2006.

ALEX R. MUNSON
Judge